

Remarks

Based on the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections. Claims 1-3, 5-10 and 13-34 are pending in the application with claims 1, 14, 23, 26 and 27 being the independent claims.

Examiner Interview

Applicants' representative appreciates the courtesies extended by Examiner Cegielnik and Supervisory Examiner Banks during the telephone interview conducted on March 10, 2004. During the interview, claims 14 and 21 were discussed with respect to the rejection based on U.S. Patent No. 5,021,878 to Lang ("the Lang patent"). U.S. Patent No. 4,900,289 to May et al. was also discussed. The Examiners agreed that the Lang patent fails to disclose a moving eyeball body as recited in previously presented claim 21. The Examiners indicated that the application would be in condition for allowance if claim 14 was amended to include that subject matter.

Information Disclosure Statement

As discussed during the interview, Applicants respectfully reiterate their request that the Examiner provide an initialed copy of the PTO/SB/08 included with the Information Disclosure Statement filed on July 17, 2001. During the interview, the Examiner stated that all references cited in the Information Disclosure Statement were considered. The Examiner stated that the initialed copy of the PTO/SB/08 will be forwarded with the next communication.

Claim Rejections under 35 U.S.C. 102(b)

Claims 14, 15, 21, 33 and 34 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,021,878 to Lang ("the Lang patent"). The Lang patent discloses a

controllable animated character. As the Examiner states, the character is capable of producing multiple expressions.

Independent claim 14 as amended recites, among other elements, “moving a first facial element in a first direction, said first facial element being an eyeball body; moving said first facial element in a second direction, the second direction being substantially perpendicular to the first direction.” As discussed during the Examiner interview, the Lang patent fails to disclose or suggest an eyeball that moves as recited in claim 14. For at least this reason, independent claim 14 is allowable over the Lang patent. Based at least on their dependence upon independent claim 14, dependent claims 15, 21, 33 and 34 are also allowable. Accordingly, Applicants request that the rejections be withdrawn.

Allowable Subject Matter

Applicants appreciate the Examiner’s indication of allowable subject matter in the application.

Conclusion


All of the stated grounds of objection and rejection have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

COOLEY GODWARD LLP

Date: March 19, 2004

By: 

Erik B. Milch
Reg. No. 42,887

COOLEY GODWARD LLP
11951 Freedom Drive
Reston Town Center
Reston, Virginia 20190-5656
(703) 456-8000 – Phone
(703) 456-8100 – Facsimile